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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,094	01/27/2004	Andrew G. Tucker	15437-0586	3195

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HICKMAN PALERMO TRUONG & BECKER, LLP
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2055 GATEWAY PLACE
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SAN JOSE, CA 95110-1089

EXAMINER

CAO, DIEM K

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,094

Applicant(s)

TUCKER, ANDREW G.

Examiner

Diem K. Cao

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,13,16-19,25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,13,16-19,25 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/23/07, 8/8/07, 9/18/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 4-7, 13, 16-19, 25 and 28 are pending. Applicant has amended claims 1, 4-7, 13, 16-19, 25 and 28 and canceled claims 2-3, 8-12, 14, 15, 20-24, 26-27.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 4-5, 7, 13, 16-17, 19 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites "wherein the second process provides the particular object identifier" on page 2, lines 18-19 and "determining, based upon the particular object identifier provided by the second process and the first zone identifier" on page 2, lines 21-22, however, it is not supported by the specification. The specification seems to disclose (page 20, paragraph 49) when a process initiates an inter-process communication, the initiating process makes a request of the kernel process to establish an inter-process communication with another process using a particular transport medium, the kernel process determines whether a communications object corresponding to the transport medium is presented in non-global zone and whether the key of the requested process matches the key of the communication object. Thus, the specification does not teach the second process provides the particular object identifier

as claimed. Claim 1 also has the same problem for third and fourth processes in different non-global zone.

Claims 4, 5 and 7 Fail to remedy the deficiencies of claim 1 above.

Claims 13, 16-17, 19 and 25 suffer the same problem as claims 1, 4, 5 and 7 above.

Allowable Subject Matter

4. Claims 1, 4-5, 7, 13, 16-17, 19 and 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al. (U.S. 2003/0014466 A1) in view of Stevens (Advanced Programming in the UNIX Environment).

As to claim 6, Berger teaches a method comprising:

- in a global operating system environment controlled by a single operating system kernel instance (a trusted Linux host OS, a base Linux kernel 400; page 5, paragraph 46), establishing a

first non-global zone and a second non-global zone (WEB compartment 401, FTP compartment 402, and SYSTEM compartment 403; page 5, paragraph 46 and each process within the system ... from another compartment; page 4, paragraph 41),

- receiving a request from a requestor process in the first non-global zone to communicate with a recipient process in the second non-global zone (process may include code ...resource; pages 5-6, paragraph 50 and what an end-user ... several compartments; page 6, paragraph 63),

- retrieving credentials for the requestor process (at appropriate points in the kernel, access-control checks are performed, consults a table of rules indicating which compartments are allowed to access the resources of another compartment; page 7, paragraph 82),

- verifying, based upon the credentials, that the requestor process is authorized to communicate with the recipient process across a non-global zone boundary (access control logic ... is permitted to access to the particular resource; page 6, paragraph 50), and

- establishing a communication path between the requestor process and the recipient process if the requestor process is authorized to communicate with the recipient process (depending on the rules ... access control logic may grant communication access to process 503; page 5, paragraph 50, and flexible communication paths between compartments ... most IPC mechanism; page 4, paragraph 43).

Berger does not explicitly teach wherein the communication path is established using a process that is resident in the global operating system environment. However, Stevens teaches the kernel creates a pipe in response to the request for establish communication between processes (see Fig. 14.3).

It would have been obvious to one of ordinary skill in the art at the time the invention.

was made to apply the teaching of Stevens to the system of Berger for the full understanding of how process in each non-global can make system calls/request utilizing IPC means (see Berger, page 5, paragraph 46 and page 7, paragraphs 83-90)

As to claim 18, it is the same as the method claim of claim 6 except it is a computer product claim, and is rejected under the same ground of rejection.

As to claim 28, it is the same as the method claim of claim 6 except it is an apparatus claim, and is rejected under the same ground of rejection.

Response to Arguments

7. Applicant's arguments filed 9/21/2007 have been fully considered but they are not persuasive.

As to Applicant's arguments regarding claim 1 and its dependent claims, see Allowable Subject Matter above.

As to Applicant's arguments regarding Berger and Stevens do not teach "wherein the communication path is established using a process that is resident in the global operating system environment", examiner respectfully disagrees. Berger teaches a base Linux kernel comprises inter-process communication means (page 5, paragraph 46), and Stevens teaches a process establishes a communication path (page 429). Therefore, the arguments are not persuasive. Claim 6 would be allowable if it depend on claim 1.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 8:30AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/766,094
Art Unit: 2194

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC
November 19, 2007


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER